

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Thomas A. Fletcher, Deceased;
and Carolyn E. Fletcher,

Plaintiffs,

vs.

ORDER ADOPTING THE
REPORT AND RECOMMENDATION

Vance Lancaster; JoAnn
Lancaster; Terry Anderson;
and Jo Net Anderson,

Defendants.

Civ. No. 09-1430 (ADM/RLE)

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. That the Plaintiffs' Complaint is summarily dismissed, but without prejudice, for lack of subject matter jurisdiction, pursuant to Rule 12(h)(3), Federal Rules of Civil Procedure.
2. That the Plaintiffs' Application to proceed in forma pauperis [Docket No. 2] is denied as moot.

s/Ann D. Montgomery

Ann D. Montgomery, Judge
United States District Court

DATED: July 22, 2009
At Minneapolis, Minnesota